

**Office of Selectmen
6 Holland Street • Post Office Box 139
Moultonborough, N.H. 03254
(603) 476-2347**

**STATEMENT OF POLICY
No. 30**

OBJECTORS TO HERBICIDE TREATMENT OF MILFOIL

1. Authority:

In accordance with RSA 31:39 and its role as the Governing Body, the Board of Selectmen (the “Board”) has the authority to adopt ordinances and statements of policy to order it’s affairs and guide the administrative functions of the corporate body politic of the Town of Moultonborough (the “Town”).

2. Purpose:

This policy is to define a uniform action to be taken in cases where Town property owners object to the herbicide treatment of milfoil within town waterways. Explanation: From time to time a property owner may object to a NH Department of Agriculture (DEA) approved herbicide treatment of milfoil which abuts or is within 1,200 feet of their shore front property or within 50 feet of their well. Prior to DES issuing a Special Permit allowing an herbicide application the State provides affected property owners an opportunity to a hearing where their concerns are evaluated.

3. Possible Hearing Outcomes:

- a. The State can agree with the objector’s concerns and withhold a portion of the Special Permit. In this case the Town will not treat.
- b. The State rejects the objector’s concerns and issues a permit. The Town will follow the State’s findings and will allow treatment.
- c. The State rejects the objector’s concerns due to lack of timeliness of the objections. No hearing takes place and the State upholds the permit. The Town will allow a treatment.

4. Town Action:

- a. In the case where the Town will treat, the Town Administrator will notify the objector. If the objector requests, the Town will provide water for drinking and cooking in cases where the objector takes water from the lake for these purposes or if the objector has a well within 50 feet of the treated area. Water will be provided for the aforementioned purposes for the time prescribed by the State.

- b. In the case where the Town will not treat because the State has ruled in favor of the objector, the Town Administrator will notify the objector.

5. Administration:

This policy shall be administered by the Town Administrator, or his designee, on behalf of the Town who shall submit a report of the action taken to the Board immediately following the enforcement of this policy.

Date of Adoption:
May 5, 2011

Joel R. Mudgett, Chairman
Edward J. Charest
James F. Gray
Betsey L. Patten
Russell C. Wakefield
BOARD OF SELECTMEN